

## Agricultural Marketing Service, USDA

## § 28.910

less than 5 ounces of which are to be drawn from each side of the bale.

(2) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it will be acceptable to split the sample lengthwise along the layers, provided the outside portion from each side is submitted for the official classification.

(c) *Mechanical sampling.* Samples may be drawn in gins equipped with mechanical samplers approved by the Division and operated according to sampling instructions furnished by the Director or an authorized representative. Such samples shall not be less than 6 ounces in weight.

(d) *Samples must be representative.* Each sample must be representative of the bale from which drawn.

(e) *Handling samples.* Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Samples shall be handled only by employees of the licensee prior to shipment or delivery to the cotton classing office of the Division.

(f) *Identifying and shipping samples.* Each sample shall be identified with a tag, supplied or approved by the Division, bearing the gin or warehouse number of the bale from which the sample was drawn and the name and address of the producer of the bale. The tag shall be placed between the two halves of the sample, the sample tightly rolled and enclosed in a package or bag for shipment. Each package or bag shall be labeled or marked with the name and address of the licensed gin or warehouse. The packages shall be shipped or delivered direct to the cotton classing office serving the territory in which the cotton is ginned. Samples that were drawn by a mechanical sampler at the gin may be transported with the bales to the warehouse and then shipped or delivered direct to the classing office by the warehouse.

(g) *Request for classification.* Samples received from a licensed gin or warehouse with the identification tag required in § 28.908(f) shall constitute a request for classification service by the producer.

[22 FR 10945, Dec. 28, 1957, as amended at 25 FR 3548, Apr. 23, 1960; 42 FR 24712, May 16, 1977; 45 FR 46783, July 11, 1980; 46 FR 48114, Oct. 1, 1981]

### § 28.909 Costs.

(a) Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be assumed by the producer, but tags and containers for the shipment of samples and shipping charges via U.S. Postal Service or duly authorized common carrier will be furnished by the Service. After classification the samples shall become the property of the Government. The proceeds of the sale of cotton samples shall be used to defray the costs of providing the services under this subpart.

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is \$1.65 per bale.

(c) The Division will periodically bill producers or the voluntary agents designated by producers for the cost of classification. A discount of 5 cents per sample will be granted for services provided under this section when billing is made to voluntary agents.

[46 FR 48115, Oct. 1, 1981, as amended at 48 FR 30938, July 6, 1983; 48 FR 44452, Sept. 29, 1983; 51 FR 22063, June 23, 1992; 58 FR 41993, Aug. 6, 1993; 60 FR 21034, May 1, 1995; 61 FR 19512, May 2, 1996; 62 FR 25800, May 12, 1997; 63 FR 33237, June 18, 1998; 64 FR 28884, May 28, 1999; 65 FR 35808, June 6, 2000; 66 FR 29216, May 30, 2001; 67 FR 36502, May 24, 2002; 68 FR 27898, May 22, 2003; 69 FR 30554, May 28, 2004]

### CLASSIFICATION

### § 28.910 Classification of samples and issuance of classification data.

(a) (1) The samples submitted as provided in the subpart shall be classified by employees of the Division and classification memoranda showing the official quality determination of each sample according to the official cotton standards of the United States shall be issued by any one of the following methods at no additional charge:

(i) Computer diskettes,

## § 28.911

(ii) Computer tapes, or  
(iii) Telecommunications, with all long distance telephone line charges paid by the receiver of data.

(2) When an additional copy of the classification memorandum is issued by any method listed in paragraph (a)(1), there will be a charge of five cents per bale. If provided as an additional method of data transfer, the minimum fee for each tape or diskette issued shall be \$10.00.

(b) Owners of cotton, other than producers, may receive classification data showing the official quality determination of each sample by means of telecommunications from a central data base to be maintained by the Division. The fee for this service shall be five cents per bale, with all long distance telephone line charges paid by the receiver of data. The minimum charge assessed for services obtained from the central database shall be \$5.00 per monthly billing period.

(c) Upon request of an owner of cotton for which classification memoranda have been issued under the subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be 15 cents per bale or a minimum of \$5.00 per sheet.

[56 FR 24674, May 31, 1991, as amended at 57 FR 27892, June 23, 1992; 58 FR 41993, Aug. 6, 1993; 61 FR 19512, May 2, 1996; 63 FR 33237, June 18, 1998; 67 FR 36502, May 24, 2002]

### § 28.911 Review classification.

(a) A producer may request one review classification for each bale of eligible cotton. The fee for review classification is \$1.65 per bale.

(b) Samples for review classification must be drawn by gins or warehouses licensed pursuant to §§ 28.20 through 28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sam-

## 7 CFR Ch. I (1-1-05 Edition)

pling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification, the samples shall become the property of the Government unless the producer requests the return of the samples. The proceeds from the sale of samples that become Government property shall be used to defray the costs of providing the services under this subpart. Producers who request return of their samples after classing will pay a fee of 40 cents per sample in addition to the fee established above in this section.

[57 FR 27893, June 23, 1992, as amended at 59 FR 26410, May 20, 1994; 60 FR 21034, May 1, 1995; 61 FR 19512, May 2, 1996; 62 FR 25800, May 12, 1997; 63 FR 33237, June 18, 1998; 64 FR 28884, May 28, 1999; 65 FR 35808, June 6, 2000; 66 FR 29216, May 30, 2001; 67 FR 36502, May 24, 2002; 68 FR 27898, May 22, 2003; 69 FR 30554, May 28, 2004]

### LIMITATION OF SERVICES

#### § 28.917 Limitation of services.

The Director, or an authorized representative, may suspend, terminate, or withhold cotton classing and market news services to any producer upon any failure of the producer to comply with the act or these regulations. Failure to remit fees for classification services shall result in loss of service.

[46 FR 48115, Oct. 1, 1981]

### Subpart E—Cotton Fiber and Processing Tests

AUTHORITY: Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c; sec. 3d, 55 Stat. 131 (7 U.S.C. 473d).

SOURCE: 35 FR 8532, June 3, 1970, unless otherwise noted.

### DEFINITIONS

#### § 28.950 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Regulations*. Regulations mean the provisions in this subpart.

(b) *Service*. The Agricultural Marketing Service of the U.S. Department of Agriculture.

(c) *Administrator*. The Administrator of the Agricultural Marketing Service,